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CALVIN W. PRICE, EDITOR.

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We are in receipt of a marked editorial in the Charleston Gazette, which we publish at the request of the Chesapeake & Ohio Railway Company. The article speaks to us as lame and labored, as the putting forward of an excuse where none is required always is. The railway assumes a cringing attitude, and recites its right to carry its troubles to court as well as anybody else. It takes undue credit to itself for following the Judge to write the rebate clause into the injunction, and for its consideration in asking that no more than the old rate be established. It also cites that other roads in other states have taken the same recourse and found relief, and have not been struck by lightning; that the people of the State in the main, are law abiding, and do not wish to cause any old corporation pain, and so on. The State legislature comes in for a share of abuse, and the rate law is termed experimental legislation, hastily enacted without proper investigation of conditions.

Our position is that we do not wish to see the property of any body or corporation confiscated, any more than that the people should be imposed upon by any body or corporation. In the matter of the Coal & Coke, it is more than probable that the two-cent fare worked a hardship, for this is a new road, through a sparsely settled portion, in the main, and dependent almost entirely upon intra-state travel. Then, too, since the law went into effect the country has been in anything but a prosperous condition. On the other hand, the Chesapeake & Ohio passes through a most populous section of the State and is a thoroughfare between the east and the west. Of course we do not pretend to attempt to show that a railroad can carry a passenger at a profit at two cents a mile, but we do know that the roads have ever been accustomed to sell mileage in thousand mile lots at two cents. The plea that this reduction can be afforded by reason of so large a sale of mileage loses its weight when the materially increased traffic at the popular rate of two cents a mile is taken into consideration. This is shown by the receipts at the local station here for the month of April this year which exceeded those of April, 1907, when the old rate was still in effect. This increased number of passengers were handled by the same equipment.

B. R. Fowler, of Academy, presented us with a fine stalagmite from a cave recently discovered by Colonel and Cleve Miller, Leisher and Harry Fowler, on the Poor Farm. Some years ago a hole caved in and Isaac McNeil lost a steer in it. Since then it has been getting gradually larger, and the other day the young men decided to see if there was not a cave there. They took lanterns and after crawling a little distance found themselves in a fine, big chamber, with caverns branching from either side. They went into the mountain fully a mile. They had no way to measure the distance, but it took twenty minutes to retrace their steps. They report many fine stalactites and stalagmites. There were number of streams of water encountered, and in places the cave was so dry that there was dust on the floor. The entrance of this cave is but a hundred yards or so from the place Hugh's Creek disappears under Droop Mountain, and the cavern followed by the young men led in the direction of the caves through which Bruffeys and Hills Creek pass under Droop Mountain.

Two-Cent Rate Litigation.

FROM THE CHARLESTON GAZETTE.

Published by request of the C. & O. Railway Company.]

For the information of the public we have taken the pain to investigate the status of the two-cent fare litigation in West Virginia, and feel that a statement of the facts would relieve the public of much misapprehension on this subject.

Acting upon a line of decisions thoroughly explained by Judge Burdett in the rulings which he has made upon this subject, the Coal & Coke Railway and the Chesapeake & Ohio Railway Company brought suits to enjoin the prosecuting officers of the state from enforcing the two-cent rate law. The court issued injunctions in both cases, holding that the two-cent rate law is unconstitutional and as to the Coal & Coke Railway case (which has been heard upon the evidence,) the court held that a two-cent rate enforced upon that road would amount to a confiscation of its property.

In the Chesapeake & Ohio Railway case the company realizes that later on the attorney general and the prosecuting attorneys will have the right to an appeal, and consequently, that this question may be passed upon by the supreme court of appeals of the state and later by the supreme court of the United States. It therefore, consented that the court put in the injunction order a requirement, that if any rate, other than the two-cent rate, should be put in force, that every passenger should be given a coupon showing, by reference to the ticket to which the coupon is attached, the number of miles paid for at such advanced rate. By this means the court will be enabled hereafter, in the event that its decree shall be reversed, to determine exactly the amount of excess rate collected by the railway company; and every passenger will have a record from which any excess in fare charged by the railway company can be at once ascertained, and in the event that Judge Burdett's decision shall be overruled, such passenger can collect the difference between the two-cent rate and the amount actually paid.

Our people should not forget that this is no new question. The supreme court of the United States has long ago held that the state can not enforce a rate which is so low as to compel a railway company to do a public service for anything less than a fair remuneration. Recently when the Missouri two-cent law was passed upon it was held that the railroad is entitled to earn at least six per cent upon the money invested.

The right of the railroad corporations to contest a law like that in West Virginia is no longer in doubt, and the railroad companies have proceeded in an orderly way, after due notice, and after a fair trial of the law, to enforce what they conceive to be their rights. Acting upon established precedents the court has enjoined the prosecuting officers from enforcing the law pending the determination of the courts of its constitutionality, but the courts have properly enforced a regulation explained above and known as the coupon system, under which every passenger will be protected in the event that that this first decision under the shall be reversed.

All that the railroads are now doing is to re-establish the old rate and orders have gone out that the old rate shall take effect on July first. If the decision of Judge Burdett shall be upheld the coupons will amount to nothing, but if that decision shall be reversed every passenger can without litigation and without trouble, recover his excess fare.

As a whole West Virginians are a law abiding people. In addition to that they are progressive and do not corporations to lose money in prosecuting a work for the benefit of the public. All that they want to do is to enforce fair and reasonable regulations to punish discriminations and rebates and to prevent extortion. The public thoroughly understands the legislature of West Virginia made no investigation as a basis for passing the two-cent rate law. Public journals and prominent men, at the time the act was passed, warned the legislature that conditions

in other thickly populated states could not be used as a basis for calculations in West Virginia; but the legislature, for some reason, passed this experimental legislation and no one should be surprised that, after two years' trial, the railroads should go to the courts for relief, and if the allegations made by the railroads be true there can be no question on earth that the supreme court of the United States will adhere to its its former decisions and declare the law void.

The railroads are doing nothing more than any ordinary citizen under like circumstances would do, and the courts have done nothing but follow well established precedents. If the law is unconstitutional it should not be enforced. If it costs more than two cents a mile to haul passengers in West Virginia, the sense of justice of our people will uphold the courts in declaring such a law void.

In putting into effect the rates that were in existence prior to the passage of the two-cent law, the railroads are proceeding according to law and have the strong arm of the courts and the courts are proceeding along well beaten paths. It is therefore the duty of all good citizens to await the final decision of the supreme court of the state, possibly the supreme court of the United States, and then whatever the final decision may be, to acquiesce. In the meantime the railroads have the right to restore the old rate, and no prosecution for doing can be begun. The injunction protects the railroads and the coupon system protects the passenger. What is now happening in this state, has taken place in Pennsylvania, Missouri, Illinois, North Carolina, Virginia and other states; and it is to the credit of this state that the litigation is proceeding in an orderly way and that there is no effort to stir up feeling, but a general acceptance of the situation as the law has made it.

Don't Forget



Creates strength for a run-down and debilitated and strengthens weak Vinol is a God Liver true—that's why it is so delicious

S. B. WALLACE & CO. Marlinton, W. Va.

Notice to Creditors. To the creditors of C. A. Rhea, deceased:

In pursuance to a decree of the circuit court of the county of Pocahontas, made in a cause therein pending, to subject the real estate of the said C. A. Rhea to the payment of his debts, you are required to present your claims against the estate of the said C. A. Rhea, for adjudication to T. S. McNeil, commissioner, at his office in said county on or before the 27th day of July, 1909.

Witness, G. W. Sharp, clerk of the said court, this 9th day of June, 1909. G. W. SHARP, Clerk.

Auction Sale

of PERSONAL PROPERTY SAT. JULY 10

At the Robert Miller place at Warwick I will offer for sale the following property:

- 2 cows and 2 calves
A ten year old mare and colt
A three yr old mare
A set of log harness, with bridles and halters
A road wagon, a spring wagon
One hog; log chain, coupler, grabs
Farming implements
A Wood spring tooth harrow
Turning and shovel plows
One pair of spreaders
Household and kitchen furniture including a fine cook stove and sewing machine.

TERMS: \$5 and under, cash. Over that amount, four months time with approved security.

RANSOME MILLER

Memorial Tribute.

The subject of this memorial notice is the late Jonathan G. McNeil, whose decease occurred June 22, 1909, at his residence in the Buckeye Cove, in the eighty-eighth year of his life.

He was a genial descendant by the third remove of the pioneer Thomas McNeil, who came to Swago from Capon Valley, Frederick county, Va., between 1768 and 1770. His father was William McNeil, a grandson of the pioneer Thomas McNeil and a son of Jonathan McNeil Sen., and Mrs. Phoebe Moore McNeil a daughter of Moses Moore, the pioneer whose history is of such romantic interest in our pioneer annals. William McNeil's wife was Nancy Griffey, from Franklin county, Virginia. Her father was a native of Switzerland and one of Marquis Lafayette's soldiers. At the close of the war Mr. Griffey remained and became a citizen of Virginia.

William McNeil was a popular teacher, and among the earliest of his profession in the present limits of Pocahontas county. His school at the Marony place was patronized by the Gays, Youngs, Buckleys and many others.

Upon his marriage with Miss Angelina Adkisson, a daughter of the late Daniel Adkisson, head of Swago, the deceased settled on the homestead about 1847, where he was residing at the time of his decease. Their daughters are Mrs. Aaron Kee, near Marlinton; Mrs. John Buckley, at Buckeye station. Rev. Asa McNeil, William, Daniel, Doc, Ulysses, Enoch, and the late James McNeil were their sons.

For more than sixty years Mr. McNeil has been a citizen of prominence in his community. He was a captain in the 12th Regiment, Va. Militia; a commissioner of the Revenue in reconstruction times, and for many years a local minister in the service of the Methodist Protestant Denomination. He was largely influential in building up the Buckeye class, one of the largest in the Greenbrier District, thirty or more years ago.

His honesty in business dealing was a marked feature of his character. His frankness and candor were such that he concealed nothing and would say nothing about anyone that he would not say in the open. If he was a friend he aimed to be all that a friend implied. If not friendly he refrained from unfriendly actions, and seemed to wish by-gones to be by-gones, whenever the offending parties would make good by letting him know their intentions in a discreet, respectful manner, in face to face interviews. As to personal failings no one knew them better than himself, or ever regretted them more sincerely.

For the past ten or fifteen years severe afflictions befell him and his family which he endured, so far as known, without murmuring or repinings. To a remarkable degree he claimed to see the ruling hand of God in all the events of life. The writer of this memorial is bereaved once again of a life time friend and were he to give expression as to his opinion of Jonathan Griffey McNeil from what has passed between us in sixty-five years, that taken all in all he was a personality of more than ordinary force of character.

Married, at the Dunmore Presbyterian church, Wednesday, H. E. Nixon and Miss Grace Moore, Rev. W. W. Bain, officiating minister. The bride is a daughter of Ernest N. Moore and the late Mrs. Woodie Warwick Moore, and is a young lady of many attractive traits of character and capabilities. She has but recently graduated as a trained nurse from the Louisville school. The groom is one of our most substantial lumber operators, who by energetic perseverance has become wealthy. The bridal trip will embrace many of the show places of the country, including the Seattle Exposition. Our best wishes and congratulations are extended.

Notice to Debtors.

All persons who owe us past due accounts are hereby requested to come forward and settle at earliest convenience, as we must have our money. Otherwise we will be compelled to put these accounts out for collection.

J. HAMED & BRO.

Klein's Leading Department Store

MILLINERY SALE

Begins here Friday June 18. This is an event which is looked forward to weeks in advance by the purchasing public. All our hats must go at cut way down prices as we don't intend to carry over one hat. We always start with a new fresh line each season; so come in at once and get what you need at prices you never heard of.

WE ALSO PUT ON SALE 10,000 YARDS OF LAWN AT REDUCED PRICES.

The reputation of this store for handling only first class goods is an incentive to the public to buy liberally when these goods are offered at Bargain Prices. We have also included 200 Men's Fine Suits which we must sell at reduced prices. All our Boy's and Children's suits must go, and we will save you 25 per cent on the dollar. In Ladies, Men's and Children's Oxfords—We carry the largest line in the county. All we ask you is to come and see them. We are sure we can please you and you will get your money's worth or get your money back if you want.

YOURS TO PLEASE

Klein's Leading Department Store, SUCCESSOR TO A. HARRISON.

Commissioner's Notice.

C. A. Rhea's Administrator,

vs

C. A. Rhea's Heirs and others.

Paravant to authority vested in me as a Commissioner of the Circuit Court of Pocahontas county, West Virginia, by a decree of said court entered on the 27th day of June, 1909, in said cause. I will proceed at my law office in the town of Marlinton, West Virginia, on the 1st day of July, 1909, to take, state and make a report on the following matters which are set out in said decree, as follows:

1st An account settling the accounts of J. S. McNeil, administrator of the estate of Chas. Andrew Rhea.

2nd He will inquire into and report what property was owned by said Chas. Andrew Rhea at the time of his death both personal and real property. And said Commissioner will inquire into what property was owned by the said Chas. Andrew Rhea jointly with his brother, the defendant, James B. Rhea, and particularly had they not all their lives held and owned jointly all the personal property of every description on their joint lands, where they lived and owned in Pocahontas county and Randolph county and the value of said property. The Commissioner will also report the value, situation and number of acres of all lands owned by the said Chas. Andrew Rhea at the time of his death and if an undivided interest in any tracts, whether the same is susceptible of partition in kind or would it be to the best interest of all parties to sell the same as a whole.

3rd An account showing all debts against the estate of said Chas. Andrew Rhea, deceased, according to their priority, taking the legal proof of said debts and filing same with his said report.

4th Any other matter deemed pertinent or required by any party in interest to be stated.

Said report will be opened on said day and kept open from time to time and from day to day until the same is completed and any party interested in said suit may attend and do whatever is necessary to protect his interest.

T. S. McNeil, Commissioner.

To The Ladies

Every woman has indulged in the hope that she may some day discover and possess the "Ideal" corset. It has been found, "A style for every type of figure." The Spirella corset—the acme of corset perfection; the most modish and up-to-date corset creation. Made to measure, "Spirella" is the name. Sold by agents only. Orders taken by Mrs. S. S. Steele, Marlinton, W. Va.

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IN LADY'S SILK LAWN GLOVES In All Colors

FOR ONE WEEK ONLY or While they Last

18 and 22 inch silk lawn Gloves reduced from 40c to 25c per pair. Same, but better grade from 50c to 35c per pair. Same but still better grade, from 75c to 60c per pair. Same, but the very best grade from \$1 to 75c.

J. Hamed & Bro.

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LEWISBURG, W. VA.

Young Men Prepared for any University or Professional School.

Thorough instruction, Christian Influence, Military Discipline, Home Life, New Buildings, steam heat, water on every floor, healthful location; no serious sickness in history of school. Up-to-date athletics; good football, baseball and tennis teams.

Experienced Faculty; all degree men from Universities.

Enrollment increased from 23 to 81 students in two years. Seven teachers in Faculty. Every room taken during past year. Additional barracks for thirty boys and gymnasium are under construction. For catalogue, address

H. B. MOORE, A. M., Principal.

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